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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,304

02/19/2004

Kenichi Tezuka

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EXAMINER

BUTLER, MICHAEL E

ART UNIT

PAPER NUMBER

3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,304	Applicant(s) TEZUKA, KENICHI	
	Examiner MICHAEL E. BUTLER	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Priority

1. Applicant's claim of priority to application 2003-042470 filed 2/20/2003 in Japan. The priority document has been received.

Drawings

2. The drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2 and 4-7 and 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being

anticipated by Archer et al. 5522512 which discloses all the claimed elements including:

(Re: cl 1,4,7,12) A token dispensing apparatus comprising:

a token dispensing unit (17) including a storage member for storing tokens (11 ; c 5 L 26 -34);

a token selector unit for releasing a token from the storage member based on a user request (91, c11 L 55-59 with c12 L 47-58);

a container dispensing unit for dispensing a first container to receive the tokens including a container storage unit and a container separating unit for releasing the first container

from the storage member to a position to receive a released token (71)

a first sensor unit for sensing the number of tokens released (c8 L 18-37 & c9 L 26-28; c8 L 41-49);

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a second sensor unit for sensing the first container at the position to receive a released token (c10 L 56-60);

a first control means for receiving an output from the first sensor unit and comparing it with a predetermined value representative of a desired capacity of the first container to hold tokens and receiving an output from the second sensor unit to determine the existence of the container at the position to receive a released token to enable the token selector unit to release tokens (19 , c12 L 26-36)

a second control means stops for stopping the dispensing of the tokens when a predetermined value representative of the desired capacity is reached and compares the predetermined value with the total number of tokens requested, when the total number tokens are greater than the predetermined value and the second sensor unit indicates the first container is removed from the position to received released tokens (25, c12 L 4-9)

[[the]] a third control means for automatically activating the container separating unit to release a second container when the second sensor unit senses the second container (87, c12 L 16-26) ; and

a fourth control means for activating the token selector unit to continue to release tokens under the monitoring of the first sensor unit (9; c12 L 10-15)

(Re: cl 2,5) further including operator control unit for inputting an amount of tokens to be dispensed and a displaying unit for displaying the status of tokens in each container (91/89, c11 L 55-59 with c12 L 47-58)

(Re: cl 6) where the amount detecting unit is a counter which counts tokens dispensed from the token dispensing unit (55; c8 L 25-28)

(Re: cl 9) further including a means for monitoring a predetermined time period in which a container is at the dispensing section after a removing container signal is displayed and displays for displaying an error signal when the predetermined time period is exceeded (c13 L 36-54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim(s) 1-9 and 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Lahtenmaki WO 03/056493A1 wherein Archer et al. discloses the elements previously discussed and Lahtenmaki discloses:

(Re: cl 3,8) (2) further including a coin receiving unit and a banknote receiving unit for inputting a monetary value in return for the amount of tokens to be dispensed (p18 L 20-22).

It would have been obvious at the time of the invention for Archer et al. to include banknote and coin receiving units to vend as taught by Lahtenmaki.

7. Claim(s) 1-2 and 4-7 and 10 and 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Williams et al. 6036812 wherein Archer et al. discloses the elements previously discussed and Williams et al. discloses:

(Re: cl 10)(9) wherein the container dispensing unit has the container storage unit supporting a stack of containers positioned above the dispensing section, the containers are released to drop downward by gravity onto the dispensing section (45).

It would have been obvious at the time of the invention for Archer et al. to include a stacked gravity fed container feeder so as to store bottles in a compact space that is readily available for filling upon demand as taught by Williams et al..

Response to Amendments/Arguments

8. The applicant's amendment was effective in overcoming the previous rejections. In as much as a token may take on many arbitrary forms, the above cited references are capable of dispensing pellet shaped token dispensate.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL E. BUTLER/

Primary Examiner, Art Unit 3653